

## Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 DODE-00 OIC-02 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 H-02

INR-07 INT-05 JUSE-00 L-02 NSAE-00 NSC-05 NSF-01

OES-03 OMB-01 PA-01 PM-03 PRS-01 SP-02 SS-15 USIA-06

FEA-01 /106 W

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R 181730Z MAR 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 1471

C O N F I D E N T I A L GENEVA 1873

DEPT PASS DOD-WILLIAM WEGNER, DEPUTY FOR NAVAL NUCLEAR  
PROPULSION CODE 08; CAPT. HERRY CARFER, OASD/ISA; ERDA-MR. PENDER

FROM USDEL LOS

FROM OXMAN AND FRENCH

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: NUCLEAR SHIP LIABILITY-BRUSSELS CONVENTION

SUMMARY: REQUEST DEPT AUTHORIZE AMEMBASSIES BONN AND LONDON  
HAND OVER INFORMAL OUTLINE OF OPENING REMARKS ON BRUSSELS  
CONVENTION TO HOST GOVERNMENTS. END SUMMARY.

1. DURING MARCH 13-14 CONSULTATIONS IN BONN, FRG DEL RE-  
QUESTED WRITTEN OUTLINE OF OPENING U.S. REMARKS ON BRUSSELS  
CONVENTION; AFTER THEY PRESSED THIS REQUEST, WE AGREED TO  
PREPARE SUCH AN INFORMAL PAPER. WE HAVE LIMITED OUTLINE TO  
MAJOR POINTS MADE IN OUR OPENING REMARKS. IN LIGHT DELE-  
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GATION AND AMEMBASSY BONN VIEWS THAT PAPER MAY FACILITATE FAVOR-

ABLE REVIEW IN FRG AND PARTICULARLY BE HELPFUL IN INFORMING FOREIGN MINISTRY OF U.S. VIEWS, WE RECOMMEND DEPARTMENT AUTHORIZE AMEMBASSIES BONN AND LONDON TO HAND OVER OUTLINE IN PARA 4 TO HOST GOVERNMENTS ON AN INFORMAL BASIS, CLASSIFIED CONFIDENTIAL. REFERENCES TO LOS NEGOTIATIONS HAS BEEN CLEARED BY LOS DEL.

2. FOR BONN: REQUEST EMB, WHEN HANDING OVER PAPER, REMIND FRG OF OUR REQUEST FOR PAPER ANALYZING LEGAL ISSUES INVOLVED IN A WARSHIP RESERVATION. DELIVERY SHOULD BE MADE BOTH TO DR. BOULANGER (RESEARCH AND TECHNOLOGY MINISTRY) AND TO DR. BEEMELMANS (FOREIGN MINISTRY). IF HELPFUL, EMB MAY ALSO GIVE COPY TO DEFENSE MINISTRY, OR ASK BEEMELMANS TO DO SO.

3. FOR LONDON: DELIVERY SHOULD BE MADE TO F.D. BERMAN (FOREIGN MINISTRY-LEGAL) AND TO B. MILLER (MOD-NAVAL HOME DIVISION). EMB MAY EXPRESS OUR THANKS FOR VERY HELPFUL COOPERATION OF UK DEL AT MARCH 13-14 TRILATERAL CONSULTATIONS IN BONN.

4. BEGIN QUOTE: INFORMAL OUTLINE OF OPENING REMARKS AS REQUESTED BY FRG DELEGATION

A. SINCE THE TIME OF ITS NEGOTIATION, THE UNITED STATES HAS OPPOSED THE INCLUSION OF WARSHIPS IN THE BRUSSELS CONVENTION FOR SECURITY REASONS OF SIGNIFICANCE TO ALL NATO ALLIES. HOWEVER, THE INCREASING NUMBER OF NEGOTIATIONS AFFECTING NAVIGATION, AND THE INCREASING POLITICAL DIFFICULTIES ENCOUNTERED IN MULTILATERAL FORA INCREASE THE IMPORTANCE OF MAINTAINING A POSITION OF PRINCIPLE ON THIS ISSUE.

B. THE ENTRY INTO FORCE OF THE BRUSSELS CONVENTION CAN ACHIEVE DESIRED OBJECTIVES REGARDING MERCHANT SHIPPING ONLY IF IT BECOMES MORE WIDELY RATIFIED OR APPLIED IN PRACTICE. THIS MAY BRING INCREASING POLITICAL PRESSURE TO BEAR FOR ACQUIESCENCE IN THE APPLICATION OF THE BRUSSELS REGIME TO WARSHIPS. THUS, UNLESS THE WARSHIP PROBLEM IS SATISFACTORILY RESOLVED, THERE WOULD APPEAR TO BE AN INHERENT CONFLICT BETWEEN THE ACHIEVMENT OF WIDE ACCEPTANCE  
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FOR THE BENEFIT OF MERCHANT SHIPPING AND THE AVOIDANCE OF THE INCREASED PRESSURE WITH RESPECT TO WARSHIPS THAT SUCH WIDE ACCEPTANCE MAY ENTAIL.

C. IT IS CONSIDERED THAT THE WARSHIP PROBLEM CAN AND SHOULD BE RESOLVED BEFORE THE FEDERAL REPUBLIC BRINGS THE BRUSSELS CONVENTION INTO FORCE IN ORDER TO MAINTAIN THE UNDERLYING POSITION OF PRINCIPLE AND BECAUSE SUCCESSFUL RESOLUTION OF THE PROBLEMS IN BOTH POLITICAL AND JURIDICAL

TERMS MAY BE MORE DIFFICULT AFTER THE CONVENTION ENTERS INTO FORCE. MOREOVER, IT IS CONSIDERED THAT INTERNATIONAL ACTION, INCLUDING A DEPOSIT OF INSTRUMENTS, REGARDING THE CONVENTION WOULD BEST BE AVOIDED PENDING THE CONCLUSION OF THE CURRENT LAW OF THE SEA NEGOTIATIONS, AS SUCH ACTION AND NOTICE THEREOF COULD STIMULATE STATES TO RAISE THE ISSUE AT THE LAW OF THE SEA CONFERENCE. ACCORDINGLY, TAKING INTO ACCOUNT THE DESIRE OF THE FEDERAL REPUBLIC TO SEE THE EARLY ENTRY INTO FORCE OF A MERCHANT SHIP LIABILITY REGIME, AS WELL AS THE NEED TO AVOID STIMULATION OF DEBATE ON NUCLEAR SHIPS AT THE LAW OF THE SEA CONFERENCE, THERE WOULD APPEAR TO BE ADEQUATE TIME FOR FURTHER STUDY AND CONSULTATIONS ON THE BEST MEANS TO ACHIEVE A WARSHIP EXCLUSION FROM THE BRUSSELS REGIME. IN THIS CONNECTION, WE BELIEVE THE UNITED STATES, THE FEDERAL REPUBLIC, THE UNITED KINGDOM AND THEIR ALLIES WILL BE IN A POSITION TO MAKE RELEVANT DETERMINATIONS WITHIN A REASONABLE PERIOD. WE ALSO BELIEVE THAT PRACTICAL ARRANGEMENTS REGARDING THE OTTO HAHN ARE POSSIBLE FOR THIS PERIOD.

D. ACCORDINGLY, WE PROPOSE ACTIVE CONSULTATION AND COOPERATION WITH A VIEW TO THE EARLY ACHIEVEMENT OF DESIRED OBJECTIVES REGARDING INTERNATIONAL LIABILITY RULES FOR NUCLEAR MERCHANT SHIPS AS WELL AS A WARSHIP EXCLUSION, AND REQUEST THAT THE FEDERAL REPUBLIC TO THIS END WITHOLD RATIFICATION OF THE BRUSSELS CONVENTION. END QUOTE. DALE

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## Message Attributes

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**TAGS:** PLOS  
**To:** STATE  
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